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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fourth periodic report of Côte d'Ivoire

Constitutional and legislative framework

1. Article 123 of the Constitution of Côte d'Ivoire stipulates that ratified treaties and agreements have superior authority to that of domestic laws after their publication. Please indicate whether the Convention has been published in the State party in line with article 123 of the Constitution. Please provide examples of court cases or instances, if any, in which domestic courts have interpreted national law in line with the Convention. Please also explain the measures taken to amend national laws to bring them fully into line with the Convention.

2. It is indicated in the fourth report of the State party (CEDAW/C/CIV/4) that the definition of discrimination against women enshrined in article 1 of the Convention is covered by a general anti-discrimination clause in article 4 of the Constitution (para. 27).[1] Please provide information on steps taken to adopt a comprehensive anti-discrimination law containing an explicit prohibition of discrimination on the basis of sex and a definition of discrimination against women that encompasses direct and indirect discrimination in both the public and the private spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 (b) of the Convention and in accordance with target 5.1 and indicator 5.1.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere.

3. The Committee notes that the Ministry for the Advancement of Women and the Family and the Protection of Children, in cooperation with national and international partners, has conducted a review of national legislation and identified provisions that are discriminatory on the basis of sex (para. 29). Please provide information on the steps taken to repeal or amend any discriminatory legislation, as previously recommended by the Committee (CEDAW/C/CIV/CO/1-3, para. 19 (a)).

[1] Unless otherwise indicated, paragraph numbers refer to fourth periodic report of the State party.

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Access to justice

4. The State party reported that article 2 of Decree No. 2016-781 of 12 October 2016, which sets out the procedure with regard to legal aid for the application of Act No. 72-833 of 21 December 1972 on the Code of Civil, Commercial and Administrative Procedures, stipulates the decentralized provision of legal aid and that Decree No. 2014-259 of 14 May 2015 on the rates of court fees and charges in civil, commercial, administrative and corporate matters establishes the costs of court proceedings (paras. 53–54). The State party also reports that Circular No. 005 of 18 March 2014 of the Ministry of Justice, Human Rights and Public Liberties and the Interministerial Circular No. 016/MJ/MEMIS/MPRD of 4 August 2016 provide for the first level of reporting in cases of gender-based violence (para. 8). Please indicate whether steps have been taken to measure the impact of those legislative reforms on access for women to justice, in particular with regard to ensuring access to justice for women and girls who are victims of gender-based violence, who have little or no income and/or who are living in rural areas. Please describe measures that the State party has taken to raise awareness regarding those reforms. Please also provide information on the number and nature of complaints of discrimination on the basis of sex or gender brought by women to national courts and their outcomes.

National machinery for the advancement of women

5. Please explain the steps taken to render fully operational the national policy on the equality of opportunities, equity and gender adopted in 2009 and to update the action plans on the implementation of the Convention for the period 2012–2017 and on the implementation of Security Council resolution 1325 (2000) for the period 2008–2012. Please indicate which institutions are in charge of gender equality at the regional, municipal and community levels and how coordination is ensured between those institutions and the Ministry for the Advancement of Women and the Family and the Protection of Children and between those institutions and the different gender directorates, units and focal points, as well as *animatrices rurales* (rural organizers) (paras. 62 and 79, and CEDAW/C/CIV/1-3, para. 126). Please also provide a time frame for the audit exercises planned by the Ministry for the Advancement of Women and the Family and the Protection of Children, the Ministry of National Education and the Ministry of Trade with the aim of assessing gender mainstreaming in the ministerial structure (para. 75).

6. It is noted in the report that the Ministry for the Advancement of Women and the Family and the Protection of Children has begun the process of formalizing gender-responsive budgeting, and that the budgetary allocation to the Support Fund for the Women of Côte d'Ivoire was increased from 1 billion CFA francs in 2012 to 8 billion CFA francs in 2016 (paras. 63–64). Please provide updated information on the human, technical and financial resources allocated to the Ministry for the Advancement of Women and the Family and the Protection of Children, as well as other structures of the Government and whether those resources are adequate for the implementation of their respective mandates. Please also inform the Committee on progress made in strengthening the National Human Rights Commission, including the status of the draft law adopted by the Commission on General and Institutional Affairs of the National Assembly on 8 November 2018 that aims to replace the National Human Rights Commission with a national council on human rights and to ensure the full compliance of the council with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please describe any steps taken to establish an independent follow-up mechanism to implement Law No. 2014-388 of 20 June 2014 on the protection of human rights defenders, in particular the rights and protection needs of women human rights defenders set out in article 9 of the law.

Temporary special measures

7. Please explain why no steps, other than the draft law establishing a quota for the representation of women among electoral candidates (para. 90), have been taken to adopt temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures and as recommended in the Committee's previous concluding observations (CEDAW/C/CIV/CO/1-3, para. 25 (a)–(c)), to accelerate the achievement of the substantive equality of women and men in areas under the Convention where women are underrepresented or disadvantaged.

Discriminatory gender stereotypes and harmful practices

8. The report refers to several strategies, plans and activities aimed at modifying or eliminating discriminatory gender stereotypes and harmful practices, such as child marriage, adolescent pregnancy and female genital mutilation (paras. 92–93). In the light of the Committee's previous recommendation (CEDAW/C/CIV/CO/1-3, para. 27 (c)), please describe the impact of those strategies, plans and activities and provide information on the progress made in establishing a systematic monitoring and evaluation framework on the basis of the ongoing assessment efforts (paras. 95–96). Please specify whether the State party is conducting any campaigns, including in cooperation with civil society, to raise awareness of the above-mentioned strategies, plans and activities and enhance the positive and non-stereotypical portrayal of women and girls. Please also provide information on the number of investigations, prosecutions, convictions and acquittals, and on the sentences imposed, under Act No. 98-757 of 23 December 1998 penalizing female genital mutilation (para. 93) and whether medical, psychosocial and rehabilitation support is provided to women and girls who are victims of female genital mutilation.

Gender-based violence against women

9. In the light of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, please provide updated information on progress made in revising article 354 of the Criminal Code to define rape and to explicitly criminalize marital rape, and to accelerate the revision process of the Criminal Code. Please indicate any steps taken to revise legislation, including the Minority Act (1970), to explicitly prohibit the corporal punishment of children in all settings, in particular at home. Please also provide information on plans to adopt a comprehensive law on gender-based violence against women, as recommended in the national strategy to combat gender-based violence adopted in 2014, including the criminalization of domestic violence, marital rape and sexual harassment.

10. In its report, the State party refers to a small number of cases reported and tried with respect to gender-based violence against women, including only 1 case each, between January 2014 and October 2015, of rape, forced marriage and the abduction of minors and 19 cases of public indecency (para. 118 and table 3). Please provide updated information on the number of cases, explain their low numbers and provide a timeline for removing any financial charges for medical certificates required by women and girls who are victims of gender-based violence to obtain legal redress (para. 103). Please explain any steps taken to review the funding arrangements for the national strategy to combat gender-based violence and its operational action plan to ensure its full implementation. Please provide information on the types and availability of support services for women who are victims of gender-based violence (para. 98). Please indicate what steps have been taken to conduct awareness-raising

campaigns, in particular for girls, parents and caregivers, in order to prevent persistent violence against women and girls and the stigmatization of victims of sexual violence and abuse.

Violence against women in conflict and peacebuilding situations

11. The Committee notes the establishment of a national commission to combat sexual violence by presidential decree in June 2016, mandated to coordinate the programmatic work of the Government on gender-based violence during the post-election crisis. Please specify the human and financial resources allocated by the State party to the commission for the implementation of its action plan and explain the activities that were undertaken as components of the action plan. Please provide information on the progress of investigating and trying cases of sexual violence related to the post-election crisis. Please also explain the safeguards put in place by the State party to ensure that perpetrators of acts of sexual violence do not benefit from the amnesty provided for under article 1 of Ordinance No. 2018-669 of 6 August 2018.

Trafficking and exploitation of prostitution

12. Please specify the timeline, following the adoption of Law No. 2016-1111 of 8 December 2016 on combating trafficking in persons, for the full implementation of the national strategy to combat trafficking in persons and its five-year action plan and for the drafting of a national action plan on sexual exploitation (paras. 158–159). Please also explain the measures taken with regard to legislation, institutions and policies to protect women in prostitution from violence, as the measures cited in the report of the State party focus only on the protection of children (paras. 158–161, 168 and 170). Please provide information on the impact of regional and international cooperation agreements on trafficking signed by the State party in recent years and on the planned follow-up to the studies on the root causes of prostitution, especially of girls in prostitution, undertaken in 2012 and 2015 (paras. 155–156, 163 and 165).

Participation in political and public life

13. Please provide information on measures taken to expedite the adoption of the draft law on a quota of 30 per cent for women in Parliament and explain other steps planned by the State party to increase the representation of women in decision-making positions, in line with article 36 of the State party's Constitution and the Committee's general recommendation No. 23 (1997) on women in political and public life. Please specify the steps taken to ensure the participation of women in local decision-making characterized by patriarchal and matriarchal structures (CEDAW/C/CIV/1-3, paras. 608–610).

Nationality

14. The Committee notes the adoption of Law No. 2013-654 of 13 September 2013 that amends articles 12, 13, 14 and 16 of Law No. 61-415 of 14 December 1961 on the Nationality Code (as modified by Laws No. 72-852 of 21 December 1972 and No. 2004-662 of 17 December 2004 and Decisions No. 2005-03/PR of 15 July 2005 and No. 2005-09/PR of 29 August 2005) and increases the degree of gender parity in the Nationality Code. Please provide information on any measures taken to amend or repeal the remaining provisions of the Nationality Code that are discriminatory on the basis of sex, including articles 28 (3) and 45 (1), and to harmonize article 99 with the amendments made to articles 12, 13, 14 and 16. Please also explain any steps taken to extend the positive amendments to article 12 of the Nationality Code to traditional and non-civil marriages and ease the formal requirements of article 11 of Law No. 64-378 (1964) on the acquisition of nationality by adoption (modified by

Law No. 83-802 (1983)) to cover non-formal adoptions. Please also provide information on the measures taken to ensure that birth registration is accessible and available in all parts of the territory of the State party, in line with article 1 of Law No. 64-373 of 7 October 1964, as amended by Law No. 83-799 of 2 August 1983, that establishes the right of every person to a name, and article 82 of Law No. 99-691 of 14 December 1999, that stipulates the application process for children whose birth has not been declared within the regulated time frame.

Education

15. With reference to the Committee's general recommendation No. 36 (2017) on the right of girls and women to education, please describe the impact of the measures taken by the State party under article 2 (1) of Law No. 2015-635 of 17 September 2015 on compulsory schooling, amending Law No. 95-696 of 7 September 1995 on education, and its strategic plan to accelerate access to education for girls for the period 2016–2018 on access for women and girls to universal and high-quality education, in particular with regard to the attendance of girls in secondary school and literacy rates among women and girls, including in rural areas (paras. 187–190 and 202–203). In the light of the Committee's previous recommendations (CEDAW/C/CIV/CO/1-3, para. 37 (b)), please provide information on measures taken to prevent, investigate and adequately punish the sexual abuse and harassment of female students by teachers. Please describe any measures taken to eliminate discriminatory gender stereotypes and other barriers to access for girls to education by raising awareness, in particular among parents, of the importance of education for women, including for adolescent mothers.

Employment

16. Please provide information on progress made to enforce article 5 of Law No. 2015-532 of 20 July 2015 on the Labour Code, that prohibits sexual harassment in the workplace, article 31.2 of the Labour Code, that guarantees the principle of equal remuneration for work of equal value, and articles 23.6 and 23.11 of the Labour Code and the General Civil Service Regulations on maternity and paternity leave, including in rural areas. Please also indicate the number of inspections carried out under those provisions or other laws in relation to discrimination against women, the nature of the violations recorded and the penalties imposed. Please also provide information on legislative and other measures, including temporary special measures, taken or planned to address occupational segregation, both horizontal and vertical, between women and men.

17. Please provide information on measures taken to enhance opportunities for women to enter into the formal employment sector and to ensure that the planned pension scheme also covers the informal sector (para. 222). Please describe the impact of the adoption of Act No. 2010-272 on the prohibition of trafficking in children and the worst forms of child labour and of the national action plan against child labour and trafficking in persons, for the period 2012–2014 (paras. 205–206). Please indicate any steps taken to ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

Health

18. The State party indicated that expenditures on health increased from $190 billion in 2013 to $596 billion in 2016 (para. 224). Please describe how the impact of that increase affected access for women and girls to health-care services, in particular in rural areas. Please provide information on the impact of the policies and programmes aimed at decreasing maternal mortality, malnutrition and the prevalence of HIV/AIDS (paras. 226, 231 and 238–240).

19. Please indicate whether the State party has taken any steps to amend articles 366 and 367 of the Criminal Code (Law No. 1981-640 of 31 July 1981, amended by Law No. 1995-522 of 6 July 1995), that allow for abortion only in situations that present a grave threat to the life and health of the mother, in order to legalize abortion, at least in cases of rape, incest or severe foetal impairment, and to decriminalize abortion in all other cases. Please provide updated information on the progress in the implementation of the strategy to provide post-abortion care (para. 234). Please indicate whether, in addition to the awareness-raising campaigns conducted by the Ministry of Education (para. 236), mandatory, age-appropriate education on sexual and reproductive health, including on responsible sexual behaviour, family planning and modern forms of contraception, is offered as part of the regular school curriculum and taught by qualified teachers according to the same standards in all parts of the State party.

Rural women

20. In its report, the State party refers to development and poverty-reduction plans and strategies, including the national agricultural investment plan for the period 2012–2015 and the national social protection strategy for the period 2013–2016, as well as to relevant institutions and bodies, such as the Gender Directorate of the National Rural Development Support Agency, the Gender Technical Unit of the Ministry of Agriculture and Rural Development and the Coordination Unit of the water, women, sustainable development and peace programme (paras. 79, 208 and 211, CEDAW/C/CIV/1-3, para. 145). Please indicate what is being done to ensure that a gender perspective is taken into consideration in the implementation of those plans and strategies and to what extent rural women have been involved in the development of those policies and are represented in the above-mentioned institutions and bodies. The Committee notes the issuance of land certificates to 277 women and the allocation of 30 per cent of developed land for use by women (paras. 14 and 212). Please specify further measures in place to eliminate all customs that impede equal access to land, including customs related to inheritance, in particular for agricultural use, and to ensure that the equal rights of women and men to own, acquire and inherit property, including land, under article 1123 of the Civil Code and article 1 of the Rural Land Act of 23 December 1998 (No. 98-750) are enforced. Please also provide information on the steps taken to expand access for rural women to microfinance and microcredit at low interest rates in all parts of the territory of the State party to enable them to engage in income-generating activities and start their own businesses (CEDAW/C/CIV/1-3, paras. 121–122 and 668).

Marriage and family relations

21. Under article 22 of Act No. 64-375 of 7 October 1964 on marriage, adolescent girls are permitted to marry, on an exceptional basis, at 16 years of age. Please provide information on any efforts made to amend that article and to bring it into line with international standards, including article 16 (2) of the Convention. Please also specify measures that have been taken to enforce the prohibition of customary and religious child marriage enshrined in article 378 of Law No. 98-756 of 23 December 1998, which amended and complemented Law No. 81-640 of 31 July 1981. Please provide information on steps taken to accelerate the revision of the Criminal Code to prohibit levirate and sororate marriages and discriminatory practices with respect to women's inheritance, as well as ensure that all marriages are registered in line with articles 18, 19, 20 and 28 of Act No. 64-375, as amended by Act No. 83-800 of 2 August 1983.

Data collection

22. As recommended in the Committee's previous concluding observations (CEDAW/C/CIV/CO/1-3, para. 23 (e)), please inform the Committee whether a comprehensive gender indicator system to improve the collection of data disaggregated by sex has been established based on the existing data collection measures and policies described in the report of the State party (paras. 81–82 and 113), including the Gender-based Violence Information Management System and Act No. 2013-537 of 30 July 2013 on statistics. Please also provide comprehensive and updated statistical data on all areas of the Convention in the next period report, with a view to providing a full understanding of the impact of legal and policy measures aimed at addressing discrimination on the basis of gender in the State party.

Amendment to article 20 (1) of the Convention

23. Please indicate any progress made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.